

*per co.  
probs.*

OGC Has Reviewed

APR 14 1954

MEMORANDUM FOR: Chief,  25X1A8AATTENTION: :  25X1A9A 25X1

SUBJECT: : Attached Proposed Cable re Sea Travel

1. This office is unable to concur in the attached proposed cable for the reasons hereinafter set forth.

2. Section 1941 of Title 46, USCA, provides:  
"Officers and employees of Government required to travel on American Ships."

"Any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States shall travel and transport his personal effects on ships registered under the laws of the United States where such ships are available unless the necessity of his mission requires the use of a ship under a foreign flag: Provided, That the Comptroller General of the United States shall not credit any allowance for travel or shipping expenses incurred on a foreign ship in the absence of satisfactory proof of the necessity therefor." June 29, 1936, c. 656, Title IX, S 901, 49 Stat. 2015.

3. The substance of this statutory rule has been adopted by the Agency and is restated in paragraph 8 (b) of  provided:

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4. Because the enunciation of the rule in paragraph 8 (b) is so closely aligned with the statutory language, the regulation must

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7. It may be noted, however, that the statutory requirement that Government employees travel on vessels of U. S. registry does not extend to air carriers under the same flag. Accordingly, if indirect travel is authorized, an employee may be permitted the expense of connecting air travel by foreign carrier to the port where passage for the remainder of the distance may be secured on a vessel of U. S. registry.

8. We are concerned that the present language of the proposed cable may lead [redacted] to the improper conclusion that approval of indirect sea travel simultaneously authorizes reimbursement for the expense of travel on a French ship for a portion of the route upon his demonstration as a formality of the necessity of such travel by a showing that no U. S. vessel services the two ports in question.

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[redacted]  
LAWRENCE S. ROSENSTEIN  
General Counsel

OGC/LRM:blr (9 April 1954)

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